UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,616	12/30/2003	Miroslav R. Petrov	6570P024	8285

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 December 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed 12/30/2003.

2. Claims 1-36 have been examined and are pending in the application.

Claim Rejections - 35 USC. § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-2, 4, 15, 17-19, 21, and 23-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims appear to define the metes and bounds of an invention comprised of software alone without claiming associated computer hardware required for execution. Software alone, without a machine, is incapable of transforming any physical subject matter by chemical, electrical, or mechanical acts.

4. Claims 34-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The specification defines several articles of manufacture including non-statutory media such as data signals embodied in a carrier wave (Specification, paragraph 0087 pages 37-38) which incapable of being touched or perceived absent the statutory medium through which they are conveyed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Edwards U.S Patent No. 6,539,501 in view of Saini U.S Patent No. 7,174,370.

As to claim 1, Edwards teaches an integrated tracing and logging system (Fig.

1) comprising:

a tracing module associated with specified program code regions of an

application, the tracing module to receive and process tracing method calls generated

by the application when specified program code regions are executed (instances within

a program to trace the program execution progress, lines 41-55 column 1); and

a logging module, the logging module to receive and process logging method

calls (log method and log file, lines 41-55 column 1, lines 7-47 column 3).

Edwards does not explicitly teach the system of tracing and logging is employed

within a network with specified network components and categories.

Saini teaches a system of both tracing and logging the execution progress of

specified components and categories within a network (tracing, logging and monitoring

component programs in a network, Figs. 2-3, lines 58-65 column 7, lines 55-62 column

10, lines 8-35 column 19). It would have been obvious at the time the invention was

made to a person of ordinary skill in the art to have modified Edwards reference to

include the teachings of Saini reference because by implementing tracing and logging in

a network, the system could gather execution progress information of multiple

distributed applications within a network for the purpose of program development as

disclosed by Saini (lines 18-28 column 7).

As to claim 2, Edwards as modified further teaches the tracing module further

comprises trace severity logic to identify a tracing severity level associated with the

tracing method calls and to process the tracing method calls based on the tracing

severity level (the use of severity level, lines 29-36 column 3).

As to claim 3, Edwards as modified further teaches the trace severity logic

processes the tracing method calls by comparing the tracing severity level of the

method calls to a tracing severity threshold, wherein if the tracing severity level crosses

the tracing severity threshold, a trace message is sent to a first output destination

(severity level and outputting a message to a file, lines 29-36 column 3).

As to claim 4, Edwards as modified further teaches the logging module further

comprises log severity logic to identify a logging severity level associated with the

logging method calls and to process the logging method calls based on the logging

severity level (the use of severity level, lines 29-36 column 3).

As to claim 5, Edwards as modified further teaches the log severity logic

processes the logging method calls by comparing the logging severity level of the

method calls to a logging severity threshold, wherein if the logging severity level crosses

the logging severity threshold, a log message is sent to a second output destination

(severity level and outputting a message to a file, lines 29-36 column 3).

As to claim 6, Edwards as modified further teaches wherein the first and/or second output destination comprises a display console (display, line 35 column 3).

As to claim 7, Edwards as modified further teaches wherein the first and/or second output destination comprises a trace and/or log file, respectively (file for outputting messages, lines 34-36 column 3).

As to claim 8, Edwards as modified further teaches the first output destination is equivalent to the second output destination (file for outputting messages, lines 34-36 column 3).

As to claim 9, Edwards as modified further teaches a trace filter to filter the tracing method calls according to a specified trace message filtering policy (methods and variables applying to generated data, line 48 column 3 to line 54 column 5).

As to claim 10, Edwards as modified further teaches filtering comprises precluding the trace message from being sent to the first output destination (the use of TraceOn, lines 65-67 column 3).

As to claim 11, Edwards as modified further teaches the specified trace message filtering policy comprises blocking the trace message from the first output destination but allowing the trace message to be sent to a second output destination (line 48 column 3 to line 54 column 5).

As to claim 12, Edwards as modified further teaches a log filter to filter the logging method calls according to a specified log filtering policy (methods and variables applying to generated data, line 48 column 3 to line 54 column 5).

As to claim 13, Edwards as modified further teaches precluding the trace

message from being sent to the first output destination (the use of TraceOn, lines 65-67

column 3).

As to claim 14, Edwards as modified further teaches the specified log filtering

policy comprises blocking the log message from the first output destination but allowing

the log message to be sent to a second output destination (line 48 column 3 to line 54

column 5).

As to claim 15, Edwards as modified further teaches a plurality of trace

message and/or log message formatters to convert the trace method calls and/or the

log method calls to a specified one or more trace and/or log message formats,

respectively (outputting error messages, warning or information, when executing code,

lines 16-36 column 3).

As to claim 16, Edwards as modified further teaches the trace and/or log

message formats comprises a human-readable format for displaying on a display

console (display, line 35 column 3).

As to claim 17, Edwards as modified further teaches a controller class,

wherein the tracing module is an instance of a tracing subclass to the controller class

and wherein the logging module is an instance of a logging subclass to the controller

class (the use of multiple instances to trace and log execution of a program code, lines

41-55 column 1).

As to claims 18-22, they are system claims of claims 1-5, respectively.

Therefore, they are rejected for the same reasons as claims 1-5 above.

As to claim 23, it is a system claim of claims 9 and 12. Therefore, it is rejected for the same reasons as claims 9 and 12 above.

As to claims 24-25, they are system claims of claims 15-16, respectively. Therefore, they are rejected for the same reasons as claims 15-16 above.

As to claim 26, it is a method claim of claims 1 and 17. Therefore, it is rejected for the same reasons as claims 1 and 17 above.

As to claims 27-30, they are method claims of claims 2-5, respectively. Therefore, they are rejected for the same reasons as claims 2-5 above.

As to claim 31, it is a method claim of claims 9 and 12. Therefore, it is rejected for the same reasons as claims 9 and 12 above.

As to claims 32-33, they are method claims of claims 15-16, respectively. Therefore, they are rejected for the same reasons as claims 15-16 above.

As to claims 34-36, they are computer program product claims of claims 26 and 2-3, respectively. Therefore, they are rejected for the same reasons as claims 26 and 2-3 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762.

A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or' Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.

- OFFICAL faxes must be signed and sent to (571) 273 - 8300.

- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

A.H
June 25, 2007